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Committee against Torture

Communication No. 481/2011

Decision adopted by the Committee at its fifty-second session (28 April–23 May 2014)

Submitted by:	K.N., F.W. and S.N. (represented by Florian Wick)
Alleged victims:	The complainants and the two minor children of K.N. and F.W.
State party:	Switzerland
Date of complaint:	29 September 2011 (initial submission)
Date of decision:	19 May 2014
Subject matter:	Deportation of the complainants and the minor children to the Islamic Republic of Iran
Substantive issues:	Risk of torture upon return to the country of origin
Procedural issues:	–
Articles of the Convention:	3; 22

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Annex

Decision of the Committee against Torture under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Fifty-second session)

concerning

Communication No. 481/2011

Submitted by:	K.N., F.W. and S.N. (represented by Florian Wick)
Alleged victims:	The complainants and the two minor children of K.N. and F.W.
State party:	Switzerland
Date of complaint:	29 September 2011 (initial submission)

The Committee against Torture, established under article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Meeting on 19 May 2014,

Having concluded its consideration of communication No. 481/2011, submitted to the Committee against Torture by Florian Wick on behalf of K.N. et al. under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Having taken into account all information made available to it by the complainants, their counsel and the State party,

Adopts the following:

Decision under article 22, paragraph 7, of the Convention against Torture

1.1 The complainants are K.N., born in 1960; his wife, F.W., born in 1966; and their adult son, S.N., born in 1990. K.N. and F.W. also present the complaint on behalf of their two minor children, born in 1996 and 2002. The complainants and the minor children are nationals of the Islamic Republic of Iran and reside in Switzerland. They claim that their deportation to the Islamic Republic of Iran would constitute a violation by Switzerland of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The complainants are represented by counsel, Florian Wick.

1.2 On 28 October 2011, in application of rule 114, paragraph 1, of its rules of procedure, the Committee asked the State party not to expel K.N., F.W. and their children to the Islamic Republic of Iran while the complaint was being considered.

The facts as submitted by the complainants

2.1 K.N. was an active member of the illegal Communist opposition party Komala.[1] He collected funds and recruited new members for Komala. By 1982, K.N. had already been arrested and spent five years in prison. In August 2008, he travelled to Iraq, where he met with two members of Komala. The Iranian Secret Service attempted to arrest him upon his return to the Islamic Republic of Iran on 29 August 2008. Thereafter, Secret Service agents visited the complainants at their home on three occasions, when K.N. was absent. The agents beat F.W. on each of these occasions. S.N. was helping his father by taking care of all computer-related tasks for Komala. Because the Secret Service had seized the family computer on 29 August 2008, the complainants maintain that S.N.'s involvement in his father's work put him at risk of harm.

2.2 K.N. and S.N. participated in a demonstration against the Iranian president in April 2009; they were filmed and photographed at the event, and their pictures were broadcast in the Islamic Republic of Iran on television in a Farsi-language programme. Reports and photographs of K.N. and S.N. were also published on websites, including that of the International Federation of Iranian Refugees (IFIR).[2] F.W. participated in an event promoting women's rights in the Islamic Republic of Iran. After the presidential elections in the Islamic Republic of Iran, K.N. and S.N. participated in demonstrations, including one on 25 June 2009. Images from that demonstration were posted on the Internet.[3] Fearing reprisals and persecution due to S.N.'s and K.N.'s involvement in Komala, the family left the Islamic Republic of Iran.

The complaint

3.1 The complainants assert that Switzerland would be violating their rights under article 3 of the Convention by forcibly deporting them to the Islamic Republic of Iran, where their lives and security would be threatened, primarily on account of K.N.'s political activities against the Iranian regime. The complainants state that "they incur the highest risk to be tortured in the Islamic Republic of Iran, in a prison or outside, and that they even risk the death penalty." The complainants also assert that F.W. is in a critical state of health and would therefore be disproportionately affected by any adverse action by the Iranian authorities.

3.2 The complainants maintain that political opponents in the Islamic Republic of Iran are frequently and increasingly sanctioned or tortured, and that the Iranian authorities

[1] The complainants provide a copy of Komala's website (www.komalah.org/english/index.htm), which states that the purpose of Komala is to establish a new kind of Marxist society based on freedom, equality and social justice.

[2] The complainants refer to www.ifir.ch (site not available), www.hambastegi.org, and www.rowzane.com. They provide copies of several photographs published on the IFIR website purporting to depict K.N., F.W. and S.N. participating in IFIR demonstrations against Islamic rule. Other photographs published on the IFIR site purport to depict K.N. and F.W. attending an IFIR meeting, and K.N. and S.N. participating in a demonstration on behalf of Neda Agha-Soltan. The complainants also provide copies of similar photographs published on the website www.pishgam.ch (site not available) and purporting to depict K.N. and S.N. participating in demonstrations against the Iranian regime. They also provide photographs published on ex-muslime.blogspot.com and wegalerie.blogspot.com, purporting to depict K.N. participating in a demonstration against Iranian membership of the International Labour Organization, and photographs from an unidentified source, dated 11 February 2010, purporting to depict K.N. participating in a demonstration against the Islamic Republic of Iran.

[3] The complainants cite www.youtube.com.

consistently disregard human rights[4] and have repeatedly tortured or executed members of the Komala party.[5] They assert that K.N. is likely a person of interest to the Iranian authorities because a far-reaching internet surveillance system is in place in the Islamic Republic of Iran.[6]

3.3 The complainants argue that they have exhausted all domestic remedies. They filed Swiss asylum applications on 11 October 2008, which were denied by the Federal Office for Migration on 30 October 2008.[7] The Federal Administrative Court denied the complainants' appeals of the asylum decisions on 5 December 2008. The complainants state that the Federal Office and the Court found their claims to be implausible. The Court also considered that certain documents submitted by the complainants (namely, two letters from the Representation of Komala abroad) did not establish a risk of persecution, because membership of Komala alone was insufficient to establish such a risk. The complainants assert that they had submitted these documents to the Federal Office and that the Federal Office failed to take them into account. The complainants filed a petition for reconsideration before the Federal Office on 5 February 2009. The Federal Office forwarded the request to the Court, in the form of a request for revision. The complainants submitted additional documentation in support of their claims (namely, a summons issued by the Islamic Revolution Court for K.N. and S.N). The Court rejected the request for revision on 28 May 2009, and the request for reconsideration before the Federal Office was cancelled on 7 August 2009 because the complainants filed a second asylum application. They submitted supplementary documents with the second application; however, the Federal Office rejected the application on 30 November 2010. The Federal Office called into question K.N.'s membership in Komala, and considered it unlikely that the Iranian authorities were aware of their alleged membership in Komala or IFIR. The Federal Office further considered that the online photographs purporting to depict the complainants' participation in the 2009 demonstration against the Iranian president had been manipulated and did not in any case permit identification of the complainants. On 27 December 2010, the complainants appealed the second set of Federal Office decisions to the Court. On 1 September 2011, their claim was rejected by the Court, which considered that the complainants could not be considered visible opponents to the Iranian regime and could not demonstrate deep political conviction. The Court also considered that the pictures and videos published on the internet were unlikely to permit identification of the complainants, that K.N.'s designation as successor to the community leader of the IFIR did not constitute a relevant risk of persecution, and that there was no general threat of violence in the Islamic Republic of Iran. The complainants assert that the Court decisions cannot be appealed. In a letter dated 8 September 2011, the Federal Office set a deadline for the complainants to leave Switzerland before 30 September 2011.

[4] The complainants cite an article by the Democratic Party of Iranian Kurdistan, "Hundreds Kurds for political and security reason are detained – A brief report on the situation of human rights under Islamic Republic of Iran's regime – July 2005 – July 2006", available from: www.kurdistanarojava.com/inglizi/Nuce2006_Inglizi/IranianKurdistan.htm (site not available); Human Rights Watch, "'You Can Detain Anyone for Anything': Iran's Broadening Clampdown on Independent Activism" (January 2008); Human Rights Watch, "Iran: Halt the Crackdown" (19 June 2009); Christian Science Monitor, "Iran's mass arrests: broadest since 1979 Islamic Revolution," (28 June 2009); CNN.com, "Wife fears for safety of detained Iranian activist" (undated); United Nations Secretary-General's report on the situation of human rights in the Islamic Republic of Iran (A/65/370, p. 3); General Assembly resolution 65/226.

[5] The complainants cite Human Rights Watch, "Iran: Violent Crackdown on Protesters Widens" (23 June 2009).

[6] The complainants cite Organisation suisse d'aide aux réfugiés, "Iran: depart illégal/situation des membres du PDKI/activités politiques en exil" (16 November 2010).

[7] S.N. filed an asylum application separate from those of the four other family members.

3.4 The complainants refute the credibility and substantiation determinations made by the Federal Office for Migration and the Federal Administrative Court. They maintain that they provided documentation confirming K.N.'s active membership in IFIR and the Komala party, and his political activities in exile, as well as evidence of widespread torture of Komala party members and extensive surveillance of internet dissidence by the Iranian authorities. Specifically, the complainants maintain that they provided with their second asylum application a statement dated 20 January 2009 from Salah Mazoji, a central committee member of the Komala party who had met K.N. personally.[8] Mr. Mazoji states the following: that K.N. was in prison from 20 March 1982 to 25 February 1987; that after his release from prison, K.N. was forbidden from going to university and working, that he was denied all government benefits, and was controlled and observed all the time by security forces; that K.N. has been an active member of Komala since joining the party in 1989; that on 18 August 2008, Mr. Mazoji asked K.N. to join him in Suleimanye in Iraq in order to plan future Komala activities in the Islamic Republic of Iran, and that K.N. subsequently did so. The complainants further report that K.N. was wanted upon return to the Islamic Republic of Iran by the security forces, who wanted to arrest him and S.N.; that K.N. and his son went into hiding for that reason and had to leave the Islamic Republic of Iran with their entire family because their safety was at risk; and that K.N. and his son risked being executed by the Iranian regime because of K.N.'s activities with Komala. The complainants also state that after K.N.'s release from prison, he was given an identification document with which he had to report to the authorities twice a month and was also required to pledge a parcel of real property as security to the Iranian authorities. The complainants argue that these measures indicate that K.N. was under the scrutiny of the Iranian authorities even from the time of his arrest, and that the Federal Office for Migration and the Federal Administrative Court failed to take these facts into account and to understand the pervasive extent of Iranian surveillance mechanisms. The complainants maintain that the Federal Office and the Court erroneously disregarded or discounted the statements provided by Mr. Mazoji, Mr. Azizpour and IFIR. The complainants state that the head of IFIR provided an affidavit stating that he believed K.N. could successfully promote the needs of the Iranian refugee community in Switzerland, and that K.N. should succeed him as the leader of IFIR. The complainants also contest the Court's determination that the summons they provided (issued by the Islamic Revolution Court and addressed to K.N. and S.N. (attachment 10, thereto attachments 17 and 18; attachment 12) was a forgery. The complainants further argue that the Court should have taken into account credible reports documenting human rights abuses in the Islamic Republic of Iran: even though those reports did not relate to a personal risk incurred by K.N., the complainants consider that they should have weighed in their favour.[9]

3.5 In a further submission, dated 28 November 2011, the complainants provided additional documentation in order to demonstrate the "imminent risk of torture" they claim to face if deported to the Islamic Republic of Iran. They provide an undated signed statement from Mohammed Amin Pari, Jafar Ghaderi and Loghman Ekthiari,[10] who allege that they were detained by the Iranian military police for 48 hours, beginning on 17 August 2011, on account of their contact with K.N. They state that after long and painful torture and disrespectful accusations by the police, they were forced to sign a statement providing that the military police can interrogate them in the future at any time. The complainants also provide a signed letter dated 19 November 2011 from Meharngiz Khagaz-Kanini, stating that he had sought asylum in Switzerland and met K.N. there. Mr. Khagaz-Kanini

[8] The complainants provide a copy of Mr. Mazoji's English-language statement with their complaint.

[9] The complainants cite European Court of Human Rights decision *R.C.* v. *Sweden*, Application no. 41827/07, 9 March 2010.

[10] The complaint and statements do not specify how these persons are acquainted with the complainants.

further states that upon his return to the Islamic Republic of Iran in August 2011, he was interrogated several times by the military police and that, out of fear, he disclosed the names of K.N. and his family and spoke of their political activities in the Communist party of the Islamic Republic of Iran and in IFIR.

State party's observations on the merits

4.1 On 27 April 2012, the State party submitted its observations on the merits of the communication. The State party considers that the Federal Office for Migration and Federal Administrative Court decisions were well founded, and that the deportation of the complainants and the minor children to the Islamic Republic of Iran would not constitute a violation of the Convention by Switzerland.

4.2 The State party considers that, according to article 3 of the Convention, State parties are prohibited from expelling, returning or extraditing a person to another State where there exist substantial grounds for believing that he or she would be subjected to torture. To determine the existence of such grounds, the competent authorities must take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.[11] Such a pattern is not in itself a sufficient basis for concluding that an individual might be subjected to torture upon his or her return to his or her country. To benefit from the protection under article 3, an applicant should show that he or she runs a "foreseeable, real and personal" risk of torture.

4.3 The State party considers that, although human rights conditions in the Islamic Republic of Iran are a cause for concern in several respects, the country is not affected by generalized violence, and that the complainants have not demonstrated that they incur a foreseeable, personal and real risk of being subjected to torture upon return there. The State party notes that the complainants do not allege that they have been subjected to torture or ill-treatment in the past. The State party considers that F.W. and the minor children do not claim separate grounds for asylum, and that F.W. has stated that she was never politically active and had never encountered problems with the Iranian authorities. The State party takes the view that K.N.'s allegations regarding the activities he performed for the Komala party in the Islamic Republic of Iran are not credible. The State party considers that K.N. was unable to adequately or correctly respond to detailed questions about the Komala party and its membership procedures, that he did not possess a Komala membership card, and that he inconsistently claimed during a hearing that he was both a member and not a member of Komala. The State party further considers that K.N. was unable to consistently and adequately describe the nature of the fundraising activities he performed for Komala, and could not convincingly explain why the Secret Service did not seek him at his workplace after finding that he was not at home. The State party also considers that the complainants have not established any link between K.N.'s alleged arrest in 1982 and his departure from the Islamic Republic of Iran in 2008. The State party further submits that, in the light of the Swiss authorities' findings that the complainants were not being pursued by the Iranian authorities before their departure from the country, K.N. appears to have lived in the Islamic Republic of Iran from 1987 to 2008 without encountering any difficulties with the Iranian regime. Regarding the documentary evidence proffered by the complainants, the

[11] The State party refers to the Committee's general comment No. 1 (1997) on the implementation of article 3 of the Convention in the context of article 22 (*Official Records of the General Assembly, Fifty-third Session, Supplement No. 44* (A/53/44 and Corr.1), annex IX), paras. 6 and 8, and the Committee's jurisprudence in communications No. 94/1997, *K.N.* v. *Switzerland*, Views adopted on 19 May 1998, paras. 10.2 and 10.5, and No. 100/1997, *J.U.A.* v. *Switzerland*, Views adopted on 10 November 1998, paras. 6.3 and 6.5.

State party takes the view that the statements by Mr. Azizpour appear to be "writings of convenience", and that the summons is not probative evidence of a risk incurred, since K.N. brought many copies of blank summons forms with him to Switzerland and stated at his hearing before the Federal Office for Migration that anything could be purchased in the Islamic Republic of Iran.

4.4 The State party submits that S.N.'s allegations relating to the computer-related activities he performed in the Islamic Republic of Iran to assist his father's involvement in Komala are contradictory and unconvincing because he was unable, during asylum proceedings, to identify or describe any of the passwords, telephone numbers, e-mails or political texts that he alleged that he had recorded on the computer for his father, and because it was not credible that he would save passwords on a computer when passwords were intended not to be recorded. The State party takes note of S.N.'s explanation at his Federal Office hearing that he did not have a personal interest in these activities but was simply executing them at his father's request. The State party further considers that S.N. is not at risk of ill-treatment in the Islamic Republic of Iran since he stated that he was not politically active in the country, was unable to provide any useful information about Komala or relevant details about the visit of the Secret Service to the family's home, and that he did not know why his father claimed that he was aware of all of his father's Komala activities and contacts.

4.5 The State party considers that, although the Iranian Secret Service has been known to conduct surveillance of expatriate dissidents, it is implausible that the Service has taken note of the complainants' activities in Switzerland. The State party is of the view that the Iranian authorities do not target all members of opposition parties, but rather focus on high-profile individuals who, for example, participate in activities that could represent a concrete danger to the Iranian regime. The State party submits that K.N. and S.N. do not present such a profile; the political activities they allege that they have participated in are typical activities for exiled Iranians, and would not identify the complainants as potentially dangerous agitators even if the Iranian authorities came to know of them. The State party considers that the Iranian authorities are unlikely to attempt to apply facial recognition techniques to the unlabelled photographs purporting to depict the complainants participating in demonstrations, and that it is impossible for the authorities to monitor and identify all political opponents abroad. The State party further considers that the authorities are likely aware that many Iranians living abroad attempt to portray themselves as dissidents in order to obtain asylum. The State party also considers that the complainants did not allege that they had participated in political activities against Iran in Switzerland until the Federal Administrative Court denied their request for review, and that this sudden and recent political engagement is superficial and does not appear to stem from profound conviction.[12]

Complainants' comments on the State party's submission

5.1 By letter dated 5 July 2012, the complainants submitted their comments on the observations of the State party. As a preliminary matter, they maintain that the State party has not provided any new information or any response to the materials provided by the complainants to the Committee.

5.2 The complainants contest the State party's observation that there is no situation of generalized violence in the Islamic Republic of Iran, since there is a high risk of being

[12] The State party also submits that the complainants should be able to easily reintegrate into Iranian society, since they have a large network of relatives and friends in Mahabad, where they lived until their departure, and since K.N. is well educated.

subjected to torture by the Iranian authorities. They further maintain that the State party has attempted to undermine the complainants' credibility by making superficial and speculative observations regarding the way in which the Iranian Secret Service typically operates, and regarding what a person in K.N.'s circumstances should and should not know about Komala. The complainants submit that K.N. was able to cite 19 members of the central committee of Komala during asylum proceedings, and that his testimony regarding his activities for Komala was not contradictory. The complainants assert that the State party's observations on S.N.'s allegations are similarly speculative and unpersuasive. The complainants maintain that there is nothing implausible about S.N.'s failure to remember Komala-related passwords, or about his lack of knowledge of his father's political activities or the circumstances in which the Secret Service searched the family house. The complainants argue that the State party fails to consider the complainants' case in depth and does not attempt to counter their arguments.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before considering any claim contained in a communication, the Committee against Torture must decide whether it is admissible under article 22 of the Convention. The Committee has ascertained, as it is required to do under article 22, paragraph 5 (a), of the Convention, that the same matter has not been, and is not being, examined under another procedure of international investigation or settlement.

6.2 The Committee recalls that, in accordance with article 22, paragraph 5 (b), of the Convention, it shall not consider any communications from an individual unless it has ascertained that the individual has exhausted all available domestic remedies. The Committee notes that in the instant case the State party concedes that the complainants have exhausted all available domestic remedies and does not contest the admissibility of the complaint.

6.3 The Committee considers that the complaint raises substantive issues under article 3 of the Convention, and that these issues should be examined on the merits. As the Committee finds no obstacles to admissibility, it declares the communication admissible.

Consideration of the merits

7.1 In accordance with article 22, paragraph 4, of the Convention, the Committee has considered the present communication in the light of all information made available to it by the parties concerned.

7.2 The issue before the Committee is whether the removal of the complainants to the Islamic Republic of Iran would violate the State party's obligation under article 3 of the Convention not to expel or to return (*refouler*) a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. The Committee must evaluate whether there are substantial grounds for believing that the complainants would be personally in danger of being subjected to torture upon return to the Islamic Republic of Iran. In assessing this risk, the Committee must take into account all relevant considerations, pursuant to article 3, paragraph 2, of the Convention, including the existence of a consistent pattern of gross, flagrant or mass violations of human rights. However, the Committee recalls that the aim of such determination is to establish whether the individual concerned would be personally at a foreseeable and real risk of being subjected to torture in the country to which he or she would return. It follows that the existence of a pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute sufficient reason for determining that a particular person would be in danger of being subjected to torture on return to that country; additional

grounds must be adduced to show that the individual concerned would be personally at risk.[13]

7.3 The Committee recalls its general comment No. 1 (1997) on the implementation of article 3 of the Convention, in which it states that "the risk of torture must be assessed on grounds that go beyond mere theory or suspicion". While the risk does not have to meet the test of being "highly probable" (para. 6), it must be personal and present. In this regard, the Committee has determined that the risk of torture must be foreseeable, real and personal.[14] The Committee recalls that, under the terms of its general comment No. 1, it gives considerable weight to findings of fact that are made by organs of the State party concerned, while at the same time it is not bound by such findings and instead has the power, provided by article 22, paragraph 4, of the Convention, of free assessment of the facts based upon the full set of circumstances in every case.[15]

7.4 The Committee takes note of the State party's observations concerning the complainants' lack of credibility. These concerns are based on allegations including the presentation of contradictory and incomplete information concerning K.N.'s and S.N.'s activities for Komala; the questionable authenticity or veracity of certain of the documents provided by the complainants to substantiate K.N.'s involvement in Komala (namely, the summons and the corroborating statements provided by Mr. Azizpour); and the convenient timing of their political activities in Switzerland. The Committee also notes the State party's position that K.N's activities within the Komala party are superficial in nature and would not be noticed by or be of interest to the Iranian authorities.

7.5 The Committee takes note of the complainants' assertions regarding the attempts by the Government of the Islamic Republic of Iran to identify political dissidents living abroad. The Committee notes that the State party, while expressing disagreement regarding the extent of this surveillance, observes that active expatriate dissidents risk persecution upon their return to the Islamic Republic of Iran. The Committee is seriously concerned by findings that the Iranian authorities engage in extensive attempts to identify and sanction political dissidents, including ethnic Kurds and alleged members of the Komala party.[16]

7.6 The Committee regrets that the State party did not provide observations on the documentation[17] recently submitted by the complainants to establish that they are still being sought by the Iranian authorities, who have recently tortured three of their friends on account of their association with K.N., and that a person known to K.N. denounced him to the Iranian police. The Committee is concerned at the many reports of human rights violations, including the use of torture, in Iran.[18] The Committee does not have information indicating that this situation has significantly improved following the change in leadership when Iranian President Mahmoud Ahmedinejad left office in 2013. Indeed, the Committee notes that the human rights situation in Iran remains extremely alarming, with ongoing

[13] Conversely, the absence of a consistent pattern of flagrant violations of human rights does not mean that a person might not be subjected to torture in his or her specific circumstances.

[14] See, inter alia, communications No. 258/2004, *Dadar* v. *Canada*, decision adopted on 23 November 2005, and No. 226/2003, *T.A.* v. *Sweden*, decision adopted on 6 May 2005.

[15] See general comment No. 1, para. 9; communication No. 375/2009, *T.D.* v. *Switzerland*, decision adopted on 26 May 2011, para. 7.7.

[16] See, e.g., Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/68/503), paras. 1, 6, 8 and 30; Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/67/369), paras. 15–18; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/HRC/19/66), pp. 23–29.

[17] The new documentation is referred to in para. 3.5.

[18] See *Hamid Reza Eftekhary* v. *Norway*, communication No. 312/2007, decision adopted on 11 January 2012, paras. 7.4–7.6.

reports of incidents of detention and torture of political opponents.[19] The Committee considers that this is all the more worrying in light of the fact that Iran frequently administers the death penalty and applies it without due process and in cases involving certain crimes not meeting international standards for the "most serious" offences.[20]

7.7 In assessing the risk of torture in the present case, the Committee notes the complainants' claims that K.N. was sought at his home three times by the Iranian authorities on account of his activities with the Komala opposition party and that F.W. was beaten on each of these occasions; that S.N. performed computer-related tasks for the Komala party at K.N.'s request; and that numerous photographs of K.N., S.N., and F.W. participating in political demonstrations against the Iranian regime have been published on the Internet. The Committee further notes the complainants' submissions indicating that three of their friends have been subjected to torture and interrogation by the Iranian authorities on account of their contact with K.N., and that another friend denounced K.N. to the Iranian police as a dissident activist. The Committee considers that all of these factors indicate a real and personal risk of torture should the complainants be returned to Iran. The Committee further considers unpersuasive several of the reasons for which the State party's authorities question the credibility of the author on the basis of the lack of clarity of his presentation of the facts and on his limited knowledge of the Komala party. The Committee considers that such lack of detail as may exist in the author's presentation of the facts is not material and does not raise doubts about the general veracity of the author's claims.[21] The Committee also notes the State party's observation that the Iranian authorities monitor only dissidents with prominent profiles, but observes that recent reports indicate that low-level opposition is also closely monitored in Iran.[22]

7.8 The Committee therefore considers that there are substantial grounds for believing that the complainants would be subjected to torture if returned to Iran. Moreover, the Committee notes that, since Iran is not a party to the Convention, the complainant would be deprived of the legal option of recourse to the Committee for protection of any kind.

8. In the light of the above, the Committee against Torture, acting under article 22, paragraph 7, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concludes that the deportation of the complainants to Iran would constitute a violation of article 3 of the Convention.

9. The Committee urges the State party, in accordance with rule 118, paragraph 5, of its rules of procedure, to inform it, within 90 days from the date of the transmittal of this decision, of the steps taken in response to the decision expressed above.

[Adopted in English, French and Spanish, the English text being the original version. Subsequently to be issued also in Arabic, Russian and Chinese as part of the Committee's annual report to the General Assembly.]

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[19] See Human Rights Council, report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/HRC/25/61), paras. 2, 4, 27–32 and 52–57; Human Rights Council, Note by the Secretary-General on the situation of human rights in Iran (A/25/75), paras. 7, 17–20 and 43.

[20] See A/HRC/25/61, paras. 5 and 84.

[21] Communication No. 41/1996, *Kisoki v. Sweden*, Views adopted on 8 May 1996, para. 9.3.

[22] Ibid., paras. 88–90; A/68/503, paras. 6–15.